



Malaysia

Permanent Mission to the United Nations

(Please check against delivery)

STATEMENT BY H.E. AMBASSADOR HUSSEIN HANIFF, PERMANENT REPRESENTATIVE OF MALAYSIA TO THE UNITED NATIONS ON “RESPONSIBILITY WHILE PROTECTING” AT THE INFORMAL DISCUSSION AT CR 3 (NLB) OF THE UNITED NATIONS, NEW YORK, 21 FEBRUARY 2012

First and foremost, my delegation wishes to thank the two chairmen, H.E. Ambassador Antonio de Aguiar Patriota, Minister of External Relations of Brazil, and Professor Edward Luck, Special Adviser to the Secretary General on the Responsibility to Protect, for conducting this informal discussion on “Responsibility While Protecting”. We believe that this discussion provides delegations with the opportunity to deliberate and exchange frank views on the matter.

2. We welcome the concept note prepared by Brazil entitled “Responsibility while protecting: elements for the development and promotion of a concept”. After examining it and the elements contained therein, we believe that the concept note is helpful and constructive in addressing some of the more conspicuous and contentious aspects inherent upon the concept of ‘Responsibility to Protect’, or more commonly known as R2P.

3. It would be difficult for a country to deny the noble intentions that the R2P intends to accomplish, namely, to ensure that unspeakable tragedies such as those witnessed in Rwanda, Srebrenica and Kosovo, never repeats itself. However, while the international community agrees on the need to prevent mass atrocities from reoccurring, many questions remain on the application and implementation of the concept of R2P.

4. For one, like many other countries, Malaysia is concerned on how R2P affects or compromises the sovereignty of the State. For Malaysia, the sovereignty of the State is the very bedrock of the United Nations and as such, is paramount in ensuring international peace. Secondly, it would not do justice to the intention of the concept should R2P be applied selectively. While some are quick to invoke R2P to certain countries, others are left to do as they please even though the warning signs cannot be clearer. The failure to act when action is most needed and the speed of pushing for similar action based on other factors has, in many ways, discredited the concept of R2P. These are just some of the weaknesses of the concept and the misgivings one might have towards R2P.

5. At this juncture, Malaysia has found that the concept note prepared by Brazil attempts to address at least some of the concerns that we may have. For one, we agree that the three pillars of R2P need to be applied according to a strict line of

chronological sequencing, rather than allowing all three to be utilized at any point in time. This would ensure that the use of force is truly the last resort and that all peaceful means have indeed been exhausted before collective action is taken.

6. Malaysia also agrees that the use of force authorized should be limited and in conformity with international law. Meanwhile, it should also result in as minimal violence and instability as possible and should be proportionate while being limited to its objectives.

7. It is without a doubt that 'Responsibility while protecting' is a step in the right direction as it further defines the application of R2P. Likewise, Malaysia agrees that both should go together and be developed 'hand-in-hand'.

8. While we move in the right direction, we must be wary that the road is long and winding. There are various aspects of R2P that still requires further clarification and elaboration. At the same time, there is a need to develop greater clarity on the scope, application, reach and limits so that the principle is more commonly understood among all concerned. This is essential before R2P can be considered as a norm or part of international law.

9. In this regard, my delegation looks forward to engaging with all concerned in discussions on both R2P and 'Responsibility while protecting', for the collective benefit of all peoples.

I thank you.